

LOCAL PUBLIC AND PUBLIC SCHOOL CONTRACTS LAWS - QUALIFIED  
PURCHASING AGENTS AND INCREASING THE BID THRESHOLD

**5:34-5.1 Qualified purchasing agent**

- (a) A contracting unit's purchasing agent shall be considered qualified pursuant to N.J.S.A. 40A:11-9b to exercise the supplemental authority as set forth in N.J.S.A. 40A:11-3 and 40A:11-4.3 or N.J.S.A. 18A:18A-3 and 18A:18A-4.3 if the following criteria are met:
1. The individual has served as purchasing agent as defined in N.J.A.C. 5:34-1.2; and
    - i. Held the power to award contracts as allowed by law; and
    - ii. Personally performed duties that included, but were not limited to: preparing or reviewing bid specifications, evaluating bids, seeking or authorizing the solicitation of quotations, recommending or awarding contracts, and analyzing procurement needs on a regular basis; and
  2. The individual served as a purchasing agent within 15 years immediately preceding the filing of the application to be a qualified purchasing agent and meets at least one of the following standards of qualifications and experience in contracting units under the jurisdiction of the Local Public Contracts Law or Public School Contract Law:
    - i. Ten years experience as a purchasing agent in New Jersey and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services;
    - ii. Seven years experience as a purchasing agent in New Jersey and is the holder of a Certified Municipal Finance Officer or Certified County Finance Officer certificate issued by the Division of Local Government Services, or is the holder of a Registered Public Purchasing Specialist certification issued by the Rutgers Center for Government Services;
    - iii. Without regard to service as a purchasing agent, is the holder of a Registered Public Purchasing Official certificate issued by the Rutgers Center for Government Services, or is the holder of a Certified County Purchasing Official certificate issued by the Division of Local Government Services;
    - iv. Three years experience as a purchasing agent in New Jersey and:
      - (1) Holds a certification as a Certified New Jersey School Business Administrator; or

- (2) Is a school board manager or school board secretary who is grandfathered, pursuant to N.J.A.C. 6:11-9.7;
  - v. Without regard to the number of years as a purchasing agent, has successfully completed 30 hours of training in New Jersey procurement law, and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services and, is either:
    - (1) Certified as a Certified Public Purchasing Official or a Certified Public Procurement Buyer by the National Institute of Governmental Purchasing; or
    - (2) Certified by the Federal government as a Purchasing Agent; or
  - vi. Without regard to the requirement of experience in a contracting unit, has seven years of experience as purchasing agent in the private sector, has successfully completed 50 hours of training in New Jersey procurement law, and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services.
- (b) Applications for qualified purchasing agent shall be on a form prescribed by the Director and shall include proof(s) of meeting the requirement of a qualified purchasing agent described in this section. Applications may be submitted at any time. There shall be no application fee. At the discretion of the Director, additional documentation may be required upon receipt of an application. Upon approval of the application by the Director, the applicant shall be issued a certificate as a qualified purchasing agent.
- (c) Where compliance with (a)2 above included the holding of a professional certificate, the certificate must remain in force during the time the individual serves as a qualified purchasing agent.

#### **5:34-5.2 Procedures for increasing the bid threshold**

- (a) A contracting unit with a qualified purchasing agent desiring to take advantage of the supplemental authority of N.J.S.A. 40A:11-3 and 40A:11- 4.3 or N.J.S.A. 18A:18A-3 and 18A:18A-4.3 shall have its governing body pass a resolution authorizing the amount of a higher bid threshold for the contracting unit, the amount of which shall not exceed the statutory maximum bid threshold.
- (b) A contracting unit that increases the bid threshold pursuant to (a) above shall either:
- 1. In a contracting unit subject to the Local Public Contracts Law, a certified resolution increasing the bid threshold shall be filed with the Director and shall be accompanied by:
    - i. A certification from the chief executive officer of the contracting unit that the purchasing agent of the contracting unit exercises

the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

- ii. A copy of the contracting unit's purchasing agent's qualified purchasing agent certification; or
2. In a contracting unit subject to the Public School Contracts Law, a certified resolution increasing the bid threshold shall be filed with the Director and shall be accompanied by a copy of the contracting unit's purchasing agent's qualified purchasing agent certification.

### **5:34-5.3 Absence of qualified purchasing agent**

If at any point in time the qualified purchasing agent is unable to exercise the authority, responsibility and accountability of the contracting unit's purchasing function the bid threshold shall revert to the lower statutory bid threshold level not requiring qualified purchasing agent status, pursuant to N.J.S.A. 40A:11-3 and 18A:18A-3, until a qualified purchasing agent is able to assume the purchasing functions.